

CASE

NUMBER:

99-053



Elam Utility Company

459 Main Street

West Liberty, Kentucky 41472

Phone 606-743-3695

RECEIVED
APR 20 1999
PUBLIC SERVICE
COMMISSION

April 19, 1999

Public Service Commission
ATTN: Helen C. Helton, Executive Director
P. O. Box 615
Frankfort, Kentucky 40602

Dear Ms. Helton:

RE: CASE NO. 99-053

With regard to the transfer of a pipeline from Mountain Parkway Economic Development Authority to Elam Utility Company, Elam reports that the transfer has been completed by the document enclosed.

Please contact me at the number listed above if further information is needed.

Sincerely,

Wilma B. Ison
President

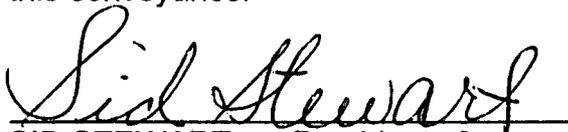
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herein.

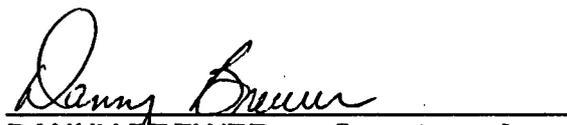
To have and to hold said pipeline and all rights relating thereto to the Grantee, its heirs and assigns forever. The Grantor hereby **WARRANTS** that it has ownership of the two-inch natural gas pipeline conveyed herein. The Grantor further states that it knows of no claims which have been or may be made against it or the successive owner of the pipeline and agrees to **INDEMNIFY** and hold harmless the Grantee herein for any and all claims which have been made or that may be made in the future for injuries and/or damages sustained and/or incurred during the Grantor's ownership of said pipeline.

CONSIDERATION CERTIFICATE

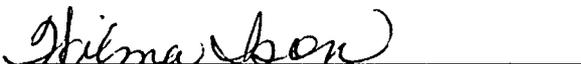
We, Sid Stewart and Danny Brewer, as President and Secretary, respectively, of Mountain Parkway Economic Development Authority, as Grantor, and Wilma Ison and Doug Ison, as President and Secretary of Elam Utility Company, Inc., as Grantee hereby certify that \$7,500.00 is the true, correct, and accurate consideration paid for this conveyance.



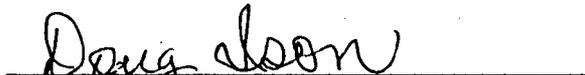
SID STEWART, as President of Mountain Parkway Economic Development Authority, GRANTOR



DANNY BREWER, as Secretary of Mountain Parkway Economic Development Authority, GRANTOR



WILMA ISON, as President of Elam Utility Company, Inc., GRANTEE



DOUG ISON, as Secretary of Elam Utility Company, Inc., GRANTEE

COMMONWEALTH OF KENTUCKY

COUNTY OF Morgan

Subscribed and sworn to before me by Sid Stewart and Danny Brewer, by and on behalf of Mountain Parkway Economic Development Authority, as Grantor, this 2 day of April, 1999.

My commission expires: March 23, 2002.

Barbara Stacy
NOTARY PUBLIC

COMMONWEALTH OF KENTUCKY

COUNTY OF MORGAN

Subscribed and sworn to before me by Wilma Ison and Doug Ison, by and on behalf of Elam Utility Company, Inc., as Grantee, this 2nd day of April, 1999.

My commission expires: 03-15-2003

Jenny Ison
NOTARY PUBLIC

This instrument prepared by:

Kim Ison Gevedon

HON. KIM ISON GEVEDON
ATTORNEY AT LAW
P.O. BOX 216
WEST LIBERTY, KY 41472
(606) 743-7620

D.B. 181
P 313

STATE OF KENTUCKY }
COUNTY OF MORGAN } SCT.

I, James Williams, Clerk Morgan County for the State of Kentucky do hereby certify that the foregoing 99 was on the 2 day of April, 1999 lodged for record, whereupon the foregoing and this certificate have been duly recorded in my office.
Given under my hand this the 2 day of April, 1999
James Williams CLERK
By Debra Baker D.C.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-053
ELAM UTILITY COMPANY, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on March 15, 1999.

Parties of Record:

Sid Stewart
President
Mountain Parkway Economic
Development Authority
Morgan County Government
450 Prestonsburg Street
West Liberty, KY. 41472

Wilma Ison
President
Elam Utility Company, Inc.
459 Main Street
West Liberty, KY. 41472

Stephan Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TRANSFER OF MOUNTAIN PARKWAY)
ECONOMIC DEVELOPMENT AUTHORITY) CASE NO. 99-053
TO ELAM UTILITY COMPANY)

O R D E R

On February 3, 1999, a petition was tendered by Mountain Parkway Economic Development Authority ("Mountain Parkway") seeking to authorize the transfer of a natural gas pipeline to Elam Utility Company, Inc. ("Elam"). The pipeline in question is a two-inch line which extends from the Jefferson Gas Transmission Company line to the Whiting Industries Plant, a distance of approximately 17,000 feet. The line is owned by Mountain Parkway and presently serves one industrial customer by contract. Mountain Parkway is not a public utility and, as such, is not within the jurisdiction of the Commission for purposes of KRS 278.020.

However, Elam is a utility subject to the jurisdiction of the Commission. On February 16, 1999, the Commission indicated to Mountain Parkway and Elam that the application was deficient and suggested that Elam, as a jurisdictional utility, should file the application for approval of the transfer.

On March 8, 1999, Elam filed an "Application for the Purchase and Transfer of a Gas Pipeline in Wolfe County, Kentucky." As part of the petition, Elam filed a document containing the terms of the transfer, the purchase price, and an Adoption Notice. The Commission will consider the petition tendered on March 8, 1999 as an amendment to

the prior petition and treat all deficiencies as cured as of March 8, 1999. The terms of the sale require written approval of the transfer by the Commission. However, since the pipeline is non-jurisdictional and a certificate is not required, an Adoption Notice is likewise not required.

The Commission, after reviewing the entire file, and being sufficiently advised, finds as follows:

1. Mountain Parkway is not within the jurisdiction of the Commission and, therefore, no certificate is required under KRS 278.020.
2. Elam is not required to file an Adoption Notice.
3. The sale should be approved to facilitate the transfer.
4. After the sale of the pipeline from Mountain Parkway to Elam, the pipeline will become part of Elam's system and will become jurisdictional to the Commission.

IT IS HEREBY ORDERED that:

1. The transfer of the pipeline from Mountain Parkway to Elam is approved, and Elam shall notify the Commission of the completion of the transfer within 10 days thereof.
2. This case is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 15th day of March, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

March 10, 1999

Sid Stewart
President
Mountain Parkway Economic
Development Authority
Morgan County Government
450 Prestonsburg Street
West Liberty, KY. 41472

Wilma Ison
President
Elam Utility Company, Inc.
459 Main Street
West Liberty, KY. 41472

RE: Case No. 99-053
ELAM UTILITY COMPANY, INC.

The Commission staff has reviewed your response of March 8, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

99-0009
RECEIVED

FEB 3 1999

PUBLIC SERVICE
COMMISSION

MORGAN COUNTY GOVERNMENT
450 PRESTONSBURG STREET
WEST LIBERTY, KENTUCKY 41472

Sid Stewart
County Judge Executive

Phone 606-743-3898
Fax 606-743-3895

February 1, 1999

Helen C. Helton, Manager
Gas Branch
Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, KY 40602

FILED
MAR - 8 1999
PUBLIC SERVICE
COMMISSION

RE: Gas Line Located in Wolfe County

Case 99-053

Dear Mr. Sharifi:

Presently the Mountain Parkway Economic Development Authority owns and operates a two inch gas line that extends along KY 191 for a distance of 17,000 feet from the Red River Elementary School to Whiting Manufacturing located at the junction of 205 and 191.

Mountain Parkway Economic Development Authority no longer wishes to own and operate this gas line and we wish to sell it to Elam Utility of West Liberty, KY. Elam Utility presently operates a gas line that runs parallel to the line in question. Elam Utility has submitted the high bid of \$7,500. for the purchase of this line.

The gas line was advertised for sale through a bidding process with a stipulation that no sale could be final without the written approval of the Public Service Commission, therefore, I ask you to please consider this request and grant permission to the Mountain Parkway Economic Development Authority to sell this gas line to Elam Utility.

Mountain Parkway Economic Development Authority anticipates total dissolution of the authority once this transaction is completed considering that it has no further business to conduct.

Sincerely,



Sid Stewart, President
Mountain Parkway Economic Development Authority

Michael Gevedon Magistrate	Darrell Patrick Magistrate	Kenneth Cottle Magistrate	Dorman Nipper Magistrate	Darris Smith Magistrate	Tommy Phipps County Treasurer
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Elam Utility Company

459 Main Street

West Liberty, Kentucky 41472

Phone 606-743-3695

99-053

February 26, 1999

RECEIVED

MAR - 8 1999

PUBLIC SERVICE
COMMISSION

Helen C. Helton, Executive Director
Public Service Commission
P. O. Box 615
Frankfort, Kentucky 40602

Dear Ms. Helton:

Thank you for your letter dated February 16, 1999 outlining the requirements necessary to petition for the purchase and transfer of the gas line between Elam Utility and the Mountain Parkway Economic Development Authority.

If you have any further questions, please feel free to contact me at the number or address listed above.

Sincerely,

Douglas and Wilma Ison

Doug and Wilma Ison

RECEIVED

MAR - 8 1999

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

APPLICATION FOR THE PURCHASE)
AND TRANSFER OF A GAS PIPELINE) CASE NO. 99-053
IN WOLFE COUNTY, KENTUCKY)

PETITION FOR TRANSFER OF GAS PIPELINE

Elao Utility Company, Inc. (Elao) and Mountain Parkway Economic Development Authority (Mountain) petition the Commission for an order granting the approval of the transfer of 17,000 square feet of natural gas pipeline in the Daysboro, Wolfe County, Kentucky area.

1. Elao is a regulated utility providing gas service to 498 customers; 448 in West Liberty, KY and 50 in Daysboro. Elao has been owned by Doug and Wilma Ison of 459 Main Street, West Liberty, Kentucky since May, 1993. The Commission approved the purchase of Elao in 1993 and the owners have proved their qualifications of managing a utility company over the past six years. Wilma has been with Elao since January 1979 and has been office manager since 1990. Doug has a college degree in the study of energy and has been with Elao since 1990.

2. Elao requests the Commission approve the purchase and transfer of the 17,000 square feet of natural gas pipeline servicing the Whiting Manufacturing Company pursuant to KRS278.020(5).

3. Elao is a corporation in good standing with the State of Kentucky formed May, 1936 and its articles of incorporation are on file with the Commission.

4. It is in the public's interest in the Daysboro area for this transfer to occur due to the 16% line loss Elao has experienced with existing customers. Elao accepted the 18 customers in the Daysboro system with a 33% line loss in 1980 when it was abandoned by Capital Oil. Since that time Elao has increased the customers count to 50. Elao plans to use this line as a main to change over existing customers to reduce the line loss from the outdated main line. If Elao could reduce the present line loss, it is possible, rates in that area could be reduced because they were set up to help recover this line loss.

5. Elan has enclosed a signed adoption notice pursuant to 807 KAR 5:011, Section 11, that ratifies, and makes its own, in every respect all tariffs, rules and regulations as it's predecessor in CASE NO.

6. Elan filed with the Commission the 1997 annual report which shows the financial condition and proves Elan has the ability to purchase this pipeline. The 1998 annual report is being prepared and will be filed by the end of March.

7. Enclosed is the advertisement of bids from Mountain and the bid by Elan; a letter from Judge Sid Stewart asking the transfer sale be accepted by the Commission and a copy of the letter from the Commission Secretary Stephanie Bell.

8. The original and 10 copies of the application are being mailed to the Commission; one to Mr. Golf and one to Judge Stewart.

For the reasons listed above, it is requested that the Petition be granted, that the Commission approve the transfer of the 17,000 square feet of natural gas pipeline from Mountain to Elan.

P.S.C. Ky. Adoption Notice No. _____

ADOPTION NOTICE

The undersigned ELAM UTILITY COMPANY, INC.
(Name of Utility) System

459 Main Street,
of West Liberty, Kentucky hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all tariffs and supplements containing rates, rules and regulations for furnishing _____

Natural Gas service at Daysboro, Wolfe County, Kentucky
(Nature of Service)

in the Commonwealth of Kentucky, filed with the Public Service Commission of Kentucky by MOUNTAIN PARKWAY ECONOMIC DEVELOPMENT
(Name of Predecessor)

of West Liberty, Kentucky, and in effect on the _____ day of _____, 19____, the date on which the public service business of the said MOUNTAIN PARKWAY ECONOMIC DEVELOPMENT
(Name of Predecessor)

was taken over by it.

This notice is issued on the _____ day of _____, 19____, in conformity with 807 KAR 5:011, Section 11, of the Regulations for the filing of Tariffs of Public Utilities with the Public Service Commission of Kentucky.

ELAM UTILITY COMPANY, INC.

By, Wilma Bon, President

Authorized by K.P.S.C. Order No. 99-053

State of Ky, County of Morgan
Signed by Wilma Bon on the 5th day
of March, 1999.
Notary Public Kim J. Deedo



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

February 10, 1999

Sid Stewart
President
Morgan County Government
450 Prestonburg Street
West Liberty, KY. 41472

RE: Case No. 99-053
ELAM UTILITY COMPANY, INC.
(Transfer/Sale/Purchase/Merger) OF MOUNTAIN PARKWAY ECONOMIC DEVELOPM

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received February 3, 1999 and has been assigned Case No. 99-053. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in black ink that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

99-00090

RECEIVED

FEB 3 1999

PUBLIC SERVICE COMMISSION

MORGAN COUNTY GOVERNMENT
450 PRESTONSBURG STREET
WEST LIBERTY, KENTUCKY 41472

Sid Stewart
County Judge Executive

Phone 606-743-3898
Fax 606-743-3895

February 1, 1999

J. Goff

Helen C. Helton, Manager
Gas Branch
Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, KY 40602

RE: Gas Line Located in Wolfe County

case 99-053

Dear Mr. Sharifi:

Presently the Mountain Parkway Economic Development Authority owns and operates a two inch gas line that extends along KY 191 for a distance of 17,000 feet from the Red River Elementary School to Whiting Manufacturing located at the junction of 205 and 191.

Mountain Parkway Economic Development Authority no longer wishes to own and operate this gas line and we wish to sell it to Elam Utility of West Liberty, KY. Elam Utility presently operates a gas line that runs parallel to the line in question. Elam Utility has submitted the high bid of \$7,500. for the purchase of this line.

The gas line was advertised for sale through a bidding process with a stipulation that no sale could be final without the written approval of the Public Service Commission, therefore, I ask you to please consider this request and grant permission to the Mountain Parkway Economic Development Authority to sell this gas line to Elam Utility.

Mountain Parkway Economic Development Authority anticipates total dissolution of the authority once this transaction is completed considering that it has no further business to conduct.

Sincerely,

Sid Stewart, President
Mountain Parkway Economic Development Authority

Michael Gevedon Magistrate Darrell Patrick Magistrate Kenneth Cottle Magistrate Dorman Nipper Magistrate Darris Smith Magistrate Tommy Phipps County Treasurer

ELAM UTILITY COMPANY

459 MAIN STREET
WEST LIBERTY, KENTUCKY 41472

BID FOR NATURAL GAS LINE DAYSBORO KENTUCKY

Elam Utility Company, Inc. of 459 Main Street, West Liberty, Kentucky 41472 who is a licensed with the State of Kentucky and the Public Service Commission as a natural gas utility company operating in West Liberty and Daysboro, Kentucky.

Therefore, Elam Utility Company, Inc. issues a bid to the Mountain Parkway Economic Development Authority for the purchase of a natural gas line of approximately 17,000 square feet located at Daysboro in Wolfe County, Kentucky. Elam understands that this gas line extends from Whiting Manufacturing Company to the Jefferson Gas Transmission Company. Elam submits a bid in the amount of \$7,500.00 (Seven Thousand Five Hundred Dollars) with the understanding that the Public Service Commission must approve the sale.

Elam Utility Company is now operating a system in the Daysboro area running from 205/191 to the Jefferson Gas Transmission Company regulator station and up Lower Gilmore servicing 49 customers. Our customers would benefit from this purchase because we could abandon part of the existing main line that now has a 13% line loss and hook part of these customers up to the new main line.

Elam would like to thank Mountain Parkway Economic Development Authority for the opportunity to make this bid.

Sincerely,

Doug and Wilma Ison

Doug and Wilma Ison
Owners

ADVERTISEMENT
NATURAL GAS LINE FOR SALE

Mountain Parkway Economic Development Authority will be accepting sealed bids for the purpose of selling approximately 17,000 of 2" natural gas line located at Daysboro in Wolfe County, Kentucky. The gas line extends from Whiting Manufacturing (jct of Hwy. 205 and 191) to the Jefferson Gas Transmission Company line approximately 17,000 feet.

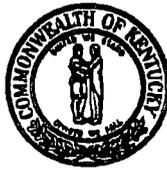
The line presently serves only one customer, Whiting Industries, and is licensed to the Mountain Parkway Economic Development Authority as a farm tap. This line was newly constructed in December 1990 and was inspected by the Public Service Commission.

Bids will only be accepted from utility companies that are presently licensed by the Ky Public Service Commission to own and operate a natural gas line. Before transfer of ownership to successful bidder, the Public Service Commission must approve.

Sealed bids will be accepted at 10:00 A.M. on Wednesday, January 28, 1999, in the office of the Morgan County Judge Executive, Sid Stewart, 450 Prestonsburg Street, West Liberty, Kentucky. For additional information please call Sid Stewart, Morgan County Judge Executive, at 606-743-3898.

Mountain Parkway Economic Development Authority reserves the right to accept or reject any or all bids in the best interest of the Authority.

May Mail sealed bids to:
450 Prestonsburg Street
West Liberty, KY 41472



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940

March 4, 1999

BY TELEFAX 606/743-2292

Case No. 99-053

Ms. Wilma Ison, President
Elam Utility Company
459 Main Street
West Liberty, KY 41472

Re: Request for Staff Assistance

Dear Ms. Ison:

This is to confirm your telephone conversation with Staff Attorney J. R. Goff, during which you discussed your unapproved application for a rate increase, your proposed new application for a rate increase, and the transfer of a gas pipeline to Elam Utility Company.

An informal conference has been set for Monday, March 8, 1999, at 9:00 a.m., in Conference Room 2 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky. Please bring complete information on the matters you wish to discuss so that the Staff can properly assist you. If you need to cancel the conference, please give sufficient notice to the Commission.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

cc: L. Amburgey
L. Faulkner
G. Forman
W. Bowker
W. Willis
B. Dotson



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460
February 16, 1999

Laura Douglas,
Secretary
Public Protection and
Regulation Cabinet

Paul E. Patton
Governor

Ms. Wilma Ison, President
Elam Utility Company, Inc.
459 Main Street
West Liberty, KY 41471

RE: Filing Requirements for Transfers
Case No. 99-053

Dear Ms. Ison:

This letter is in response to your telephone call of February 11, 1999, in which you requested assistance in preparing a petition for the purchase and transfer of a gas pipeline to Elam Utility Company, Inc. ("Elam") from the Mountain Parkway Economic Development Authority ("Mountain").

On February 3, 1999, the Commission received a letter from Mountain, which informed the Commission of your bid and requested the Commission approve the transfer. However, Elam, as a regulated utility, should petition the Commission for approval of the purchase and transfer. Therefore, the application as submitted is deficient and not acceptable for filing in its present form.

Enclosed please find a filing checklist that the Commission Staff will use in determining if a transfer petition meets the filing requirements. For your petition, refer to only those areas marked in yellow. Also enclosed is a filing by another utility which you may use as an example. Since Elam is a public utility, the petition should be in the name of Elam only (not a joint petition). The law referred to in the checklist is KRS 278.020. You should also state in the petition in a separate paragraph that Elam has the financial, technical, and managerial ability to acquire and operate the line.

A signed purchase or sale agreement between Elam and Mountain should be submitted. If none exists, the letter from Judge Sid Stewart will be sufficient. Attach any document as an exhibit.

One of the most important elements is the adoption notice. If there are customers on the line you are acquiring, you must submit an Adoption Notice that Elam will adopt the present rates and regulations of Mountain for those customers. A copy of an Adoption Notice is enclosed.

Please make sure that your petition references its case number (99-053) and that it is signed and notarized. If you have any questions about preparing the petition or its attachments, please call Staff Attorney J. R. Goff at 502/564-3940, Extension 261.

Sincerely,

Helen C. Helton
Executive Director

cc: Morgan County Government





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

February 10, 1999

Sid Stewart
President
Morgan County Government
450 Prestonburg Street
West Liberty, KY. 41472

RE: Case No. 99-053
ELAM UTILITY COMPANY, INC.
(Transfer/Sale/Purchase/Merger) OF' MOUNTAIN PARKWAY ECONOMIC DEVELOPM

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received February 3, 1999 and has been assigned Case No. 99-053. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

SB/jc

99-00090

RECEIVED

FEB 3 1999

PUBLIC SERVICE COMMISSION

MORGAN COUNTY GOVERNMENT
450 PRESTONSBURG STREET
WEST LIBERTY, KENTUCKY 41472

Phone 606-743-3898
Fax 606-743-3895

Sid Stewart
County Judge Executive

February 1, 1999

Helen C. Helton, Manager
Gas Branch
Public Service Commission
730 Schenkel Lane
P. O. Box 615
Frankfort, KY 40602

FILED
MAR - 8 1999
PUBLIC SERVICE COMMISSION

RE: Gas Line Located in Wolfe County

Case 99-053

Dear Mr. Sharifi:

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Mountain Parkway Economic Development Authority anticipates total dissolution of the authority once this transaction is completed considering that it has no further business to conduct.

Sincerely,

Sid Stewart, President
Mountain Parkway Economic Development Authority

Michael Gevedon Darrell Patrick Kenneth Cottle Dorman Nipper Darris Smith Tommy Phipps
Magistrate Magistrate Magistrate Magistrate Magistrate County Treasurer